

10/709,273
Attorney Docket No. 72-002

Remarks

Claims 64 and 96 have been cancelled.

New claim 101 has been added. Support may be found at, for example, paragraph 46.

Claim Rejections – 35 USC § 112

Claims 50 and 94 as amended distinctly point out the material composition and temperature. The claims as amended no longer claim “substantially instantaneously”. As amended, the claims do not require a thickness to be positively stated.

Support for the material in amended claim 94 may be found at, for example, paragraph 58.

The examiner states that the terms “tapered” and “outward” in claim 62 contradict one another. Applicant disagrees. The American Heritage Dictionary, as accessed at www.dictionary.com, defines “tapered” as “gradually decreasing in size toward a point”. The same source cites Webster’s Revised Unabridged Dictionary as defining tapered as “to become gradually smaller toward one end”. Those skilled in the art understand that the directional term “outward” does not contradict “tapered”.

Claims 64 and 96 have been cancelled making the rejection moot.

Claim 94 as amended removes one of the limitations the examiner feels is contradictory. The removal should not be viewed as the applicant’s agreement with the examiner, the amendment has been made to expedite allowance.

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Claim Rejections – 35 USC § 102

Amended claims 50, 57-63 and 65-66 incorporates the limitations of cancelled claim 64 and are no longer anticipated by Roberts et al. [Pat. No. 5,359,924] or Janssen [Pat. No. 4,873,919]. Support for amended claim 66 may be found at, for example, paragraph 59.

Amended claims 94-95 and 97 incorporate the limitations of cancelled claim 96 and also require the pouch to be compressed prior to placing the pouch within the rack and are no longer anticipated by Janssen. Support for amended claim 94 may be found at, for example, paragraph 59.

Claim Rejections – 35 USC § 103

Amended claims 63 and 75 are not obvious over Roberts et al. in view of Robertson [Pat. No. 2,204,699] because neither teach producing immediate temperature of between about 350° to about 400° f at the food item.

Amended claim 76 is not obvious over Roberts in view of Downers [Pat. No. 3,858,496] because neither teach the materials now claimed nor teach producing immediate temperature of between about 350° to about 400° f at the food item.

Amended claim 96 is not obvious over Janssen in view of Wilson [Pat. No. 3,658,562] because neither teach the pouch to be compressed prior to placing the pouch within the rack nor teach producing immediate temperature of between about 350° to about 400° f at the food item.

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Conclusion

The amendments and new claim presented place the application either in condition for allowance or in better form for appeal. Entry is respectfully requested.

For the foregoing reasons, Applicant respectfully requests the rejections be withdrawn and submits that the application is in condition for allowance. That action is earnestly solicited. If a telephone call is required to expedite this matter, please contact the undersigned.

The total number of claims and independent claims have not increased. No fee is believed due, however, the Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to Deposit Account No. 502,209.

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The applicant has submitted herewith the fee for a one month extension of time.
In the event that an additional extension of time is required, or may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 502,209.

Respectfully submitted,



Date: 08/19/2008

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ta·per [Audio Help](#) (tā'par) [Pronunciation Key](#)

n.

1. A small or very slender candle.
2. A long wax-coated wick used to light candles or gas lamps.
3. A source of feeble light.
 - a. A gradual decrease in thickness or width of an elongated object.
 - b. A gradual decrease, as in action or force.

v. **ta·pered, ta·per·ing, ta·pers**

v. *intr.*

1. To become gradually narrower or thinner toward one end.
2. To diminish or lessen gradually. Often used with *off* : *The storm finally tapered off.*

v. *tr.*

1. To make thinner or narrower at one end.
2. To make smaller gradually.

adj. Gradually decreasing in size toward a point.

[Middle English, from Old English *taper*, possibly ultimately from Latin *papyrus*, *papyrus* (*sometimes used for candlewicks*) ; see [paper](#).]

ta'per·ing·ly *adv.*

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tapered

adjective

becoming gradually narrower; "long tapering fingers"; "trousers with tapered legs"

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'tapered, *'tapering *adjective*

becoming narrower or slimmer at one end

Example: *tapering fingers*